

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

245120

DATE OF REPORT (DAY-MO.-YEAR)

09 June 1998

03 August 1998T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
William T. Retroff		Inv.	107			113
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT		LOCATION CODE*
		01 May 98 2130		1213		17
NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.
1. James Daniels		PO	4087			012
2. Robert Poholik		PO	10721			012
ACCUSED	SEX/RACE	D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)	
	1. M/W	67	05 July 94		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
					<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
					PHYS. COND. CODE†	
COMPLAINANTS	2. M/H	66	29 June 92		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
					<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
					PHYS. COND. CODE†	
VICTIMS	IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE
	1.					
	2.					
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
					M/B	70
ALLEGATIONS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
				n/p	F/B	Unknown

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

The complaint was registered with the Office of Professional Standards on 06 May 1998 at 100 hours, by Office of Professional Standards Investigator Lydia Conlisk, #50, assigned to Unit 113. The complainant [REDACTED] alleged that on 01 May 1998, at 2010 hours, in the vicinity of [REDACTED] during the course of his arrest, the accused committed the following acts: 1) verbally abused him; 2) grabbed him by the collar and pushed him against the squad car; 3) slammed the squad car door on his right leg; 4) pushed him inside the squad car; 5) it is further alleged that while at the 012th District Station, the accused punched him once on the left side of his jaw; and 6) squeezed the handcuff on his wrist too tight, when cuffed to the wall ring.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD-44.112A (1/84)

C.R. NO. 245120

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

SEE PAGE 2

ATTACHMENTS

INVESTIGATIVE REPORTS-- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS-- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
1,2	7,9-16	3-6,8	17

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS


FINDINGS:

ALLEGATIONS #1 - #6 Not Sustained against Officer James Daniels, #4087

ALLEGATIONS #1 - #6 Unfounded against Officer Robert Pbhbl1k, #10721

RECOMMENDATIONS

APPROVED:

 # 104
OPS Supervisor James Henry, Star #104

Total Time: 33 days
Suspense Time: 16 days

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION) 07 May 98

DATE COMPLETED
(DATE OF THIS
REPORT) 09 June 98

ELAPSED TIME
(TOTAL TIME,
EXPRESSED IN DAYS) 17 days

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11" SHEET

SUMMARY:

The complainant, [REDACTED] stated in his written statement to the Office of Professional Standards that a male white uniformed officer, one of the arresting officers physically and verbally abused him as indicated in the allegations section of the Summary Digest Report. [REDACTED] stated that he sustained injuries of soreness to the left side of his face and has headaches. [REDACTED] did not seek or receive any medical attention.

The Arrest Report stated that [REDACTED] was arrested on 01 May 1998, at 2010 hours, at [REDACTED] on charges of State Disorderly Conduct by arresting officers James Daniels and Officer Robert Poholik. The Arrest Report narrative stated that the offender [REDACTED] was knowingly and intentionally yelling obscenities and refused to leave the scene of a police investigation, inciting citizens to attempt to defeat the arrest. The offender resisted police arrest, refused verbal commands, and refused to be handcuffed. The arresting officers used minimal force necessary to effect the arrest. The Arrestee Lockup Screening Report stated that [REDACTED] had no obvious visible signs of pain or injury but claimed to have mouth pain.

The accused Officers James Daniels and Officer Robert Poholik denied the allegations in their reports. Officer James Daniels is described as the male white accused officer, being shorter in height than the partner, Officer Poholik. Officer Poholik is described as the male Hispanic officer. Both officers corroborated that they did not inflict any degree of physical abuse, verbal abuse and/or excessive force on the offender, [REDACTED]

The named witness [REDACTED] has not cooperated with this investigation, in that she does not live at the address indicated and has not come forth to cooperate with this investigation.

CONCLUSION:

The available evidence is inconclusive to substantiate the allegations made against the accused. In view of the foregoing facts, it is recommended that this matter be closed and the findings be classified as "Not Sustained" against Officer James Daniels, and "Unfounded" against Officer Robert Poholik.